

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEWITT SMITH, JR,

Plaintiff,

vs.

ALLEGHENY COUNTY COMMUNITY  
COLLEGE,

Defendant.

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3:05-CV-1196

(JUDGE CAPUTO)

**MEMORANDUM**

Plaintiff Dewitt Thomas Smith, Jr., filed the present action on June 15, 2005.

(Doc. 1.) Simultaneously, Plaintiff filed an Application To Proceed In Forma Pauperis.

(Doc. 2.) On February 10, 2003, in connection with another case, the Court prohibited Mr. Smith from filing any new actions *in forma pauperis* unless he met the statutory exceptions outlined in 28 U.S.C. § 1915(g). *Smith v. Equil Bank & President*, No. 3:03-CV-0006 (M.D. Pa. Feb. 10, 2003). The Court reiterated the prohibition on October 25, 2004. *Smith v. United States Army*, No. 3:04-CV-2308 (M.D. Pa. Oct. 25, 2004). In the present action, Mr. Smith has not alleged any imminent danger of serious physical injury. As such, the Court finds that, consistent with its previous Orders and § 1915(g), Mr. Smith does not qualify for *in forma pauperis* status. Accordingly, the Court will deny his application to proceed *in forma pauperis*.

An appropriate Order shall follow.

June 24, 2005  
Date

A. Richard Caputo  
A. Richard Caputo  
United States District Judge

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(JUDGE CAPUTO)

**ORDER**

**NOW**, this 24th day of June, 2005, **IT IS HEREBY ORDERED THAT:**

- (1) Plaintiff's Application To Proceed In Forma Pauperis (Doc. 2) is **DENIED**.
- (2) Plaintiff has thirty (30) days to pay the filing fee.
- (3) The Clerk of the Court shall mark this case **CLOSED** if payment is not received by July 26, 2005.

A. Richard Caputo \_\_\_\_\_  
A. Richard Caputo  
United States District Judge